

Madam Chairman and Committee Members,

My name is Ken Donovan and I live in the Swan Valley near Condon. I want to thank you for the opportunity to express my thoughts and opinions on House Bill 455. I have read this bill several times and each time I read it, I wonder just what prompted the extreme measure of control over our private property. I think there is a serious misconception that people that live on rivers and streams do not care about the quality of water that passes by their property. To landowners this bill represents the largest "land grab" since statehood and the formulation of the Indian reservations. A 500 foot corridor along approximately 1000 miles of the rivers identified in this bill equates to an area approximately 60 square miles of private property that would be subject to this onerous bill. To put this in perspective, if you owned a 1.5 acre lot on a restricted river, you would lose 55% of the land using the 1 to 3 or 4 ration of frontage to secondary depth. In other words if you lot had 150 feet on the river and the lot is 450 feet deep, you can not use .86 acres of your lot. For a lot that is 8.26 acres or 300 feet on the river and went back 1200 feet, you would lose 1.72 acres or 20.8%. At the cost of river front property, that is a lot! Using the 60 square mile estimate is very conservative as that is measuring from the center line of the river and the bill uses the term "ordinary-high water mark" which in some cases is many times wider than the normal channel width. One reference I have heard about this bill is that it is "crude" based on the whims of some person that may be just having a bad day and as the base point of "ordinary" is a very elusive point at best.

A 250 foot set back is a major portion on any land parcel and this bill greatly devalues the property without any compensation or any language addressing real property tax reductions. I was the owner of the largest real estate company in Lake County for 25 years, we sold many, many parcels of land on Flathead Lake and on various rivers and I can tell you for certain, people want to be as close to the water as possible while providing the best possible protection of the water quality. From the research I have done, all counties are very sensitive to water quality issues and have distinct guidelines for septic system installation. Drive along the Missouri River between Helena and Great Falls and you will see millions of dollars worth of homes and cabins and they are all clearly built within the 250 foot

proposed setback area. I have floated and fished this area several times and the fishing is great. Comments have been made from a popular fishing group that they are offended when they have to see any homes or cabins while floating---in my opinion, not a good reason to punish the land owners.

To be frank with you, I am offended that this bill is directed at only 10 rivers under the assumption that their end game is to assure quality water within the state but yet excludes cities, lakes, reservoir's and tribal lands. If this were a real "Honest Bill", the sponsor of this should seek to get approval from all stake holders in our water system and not just pick off a few that have a lot to lose and have the least amount of ability to defend their private property rights. Our land was patented from the United States government and we now hold full legal title to this land protected by the United States Constitution and I strongly feel it is incumbent on you to make no law that impairs our vested rights.

Ladies and gentleman, this is not a "Montana" bill. This comes right out of the hand book of special interest groups that have invaded our state with the intent of showing us how to live and control how we should co-exist with our water and other resources. I was raised in the small town of Valier where people worked together to help neighbors and respected their rights to do what they had to enhance their lifestyle and their land holdings. Sure, mistakes were made, but the people that had the property corrected these mistakes by consultation with experts and not extreme addenda driven groups from out of state.

Please give this bill serious thought and stop this land grab and let the people of Montana live the American dream. We owe this much to our future generations.

Respectfully submitted,  
Ken Donovan  
P.O. Box 996  
Condon, Mt. 59826  
[info@nordiquelohomes.com](mailto:info@nordiquelohomes.com)